

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ANGELO McCLEARY,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-08-42-M
)	
JESS T. SUTTER, JR., Warden,)	
)	
Respondent.)	

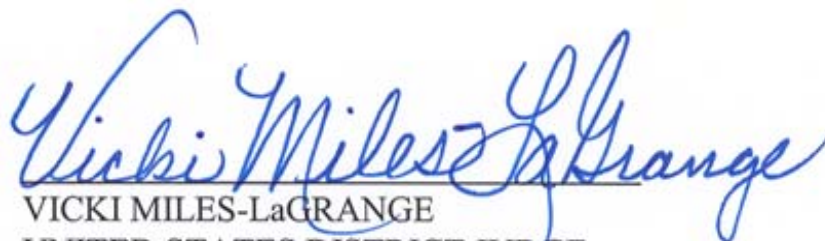
ORDER

On July 18, 2008, United States Magistrate Judge Bana Roberts issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended that the petition for a writ of habeas corpus be dismissed without prejudice. Petitioner was advised of his right to object to the Report and Recommendation by August 7, 2008, and on that date, petitioner filed his objection.

Having carefully reviewed this matter de novo, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on July 18, 2008, and
- (2) DISMISSES the petition for a writ of habeas corpus without prejudice.

IT IS SO ORDERED this 20th day of August, 2008.


VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE